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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Sixteenth session

SUMMARY RECORD OF THE 317th MEETING

Held at Headquarters, New York,
on Thursday, 16 January 1997, at 3 p.m.

Chairperson: Ms. KHAN

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

INTRODUCTION OF THE COMBINED INITIAL, SECOND AND THIRD PERIODIC REPORTS OF SAINT VINCENT AND THE GRENADINES (continued) (CEDAW/C/STV/1-3 and Add.1)

Article 12

1. Ms. SHALEV asked whether data could be provided on morbidity from the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS). Noting that abortion was illegal in Saint Vincent and the Grenadines, she asked what the penalties were, whether women were penalized in any way, and whether abortion was legal under some circumstances. She asked for statistics on complications or deaths resulting from abortion, what provision was made for women who had undergone incomplete abortions, whether there were any problems in obtaining medical care in such cases, and who covered the cost. She urged the Government of Saint Vincent and the Grenadines to review the law on abortion in the light of the Platform for Action of the Fourth World Conference on Women, and to decriminalize abortion.

2. The pregnancy rates among 10 to 14 year old girls were alarming; she requested data for the period from 1993 to 1996, and asked whether the rates had continued to increase. Information also needed to be provided on the age of the fathers, if available. More details were needed on the programmes carried out by the Ministry of Health to combat teenage pregnancy (para. 18). It might be advisable to adopt temporary special measures to address the problem. The infrastructure existed in terms of family life education programmes in primary schools, family planning clinics within the Ministry of Health, and prenatal classes in district health centres. She asked whether women in rural areas had equal access to those programmes, and whether the problems were greater in rural than in urban areas. She asked what sexual and reproductive health services were offered within that infrastructure; what educational programmes there were for boys and girls and what attention was given to male responsibility; what information and counselling was provided on contraception, what methods were available, which of them were offered by the public health system and who covered the costs.

3. It was indicated in paragraph 102 of the report that the use of condoms depended on the willingness of men; that factor increased female vulnerability to HIV/AIDS and other sexually transmitted diseases. She asked whether family planning programmes had been targeting the issue of gender inequality in respect of sexual behaviour. More information was needed on sexually transmitted diseases other than HIV/AIDS in terms of incidence and age and gender breakdown. The requirement of spousal consent for tubal ligation (para. 108) was in violation of the Convention.

4. She asked whether rural women had access to cancer detection and diagnosis services. Table 24 showed that the incidence of breast cancer was almost as that of cervical cancer. She asked what preventive programmes were in effect,

whether there were programmes to encourage self-examination for cancer, and whether mammography was available, to whom and at whose expense.

5. It had already been pointed out that the regulations on occupational health did not make specific provision for the protection of women's reproductive functions; however, the reproductive hazards affecting both men and women should be considered. Data were needed on public and private expenditure on health, and public expenditure on family planning, especially prevention of teen pregnancy.

6. Ms. OUEDRAOGO said that the requirement of spousal authorization for tubal ligation (para. 108) was discriminatory, since women should have control of their fertility.

7. Table 23 showed that the pregnancy rates for the 10 to 19 year old age groups were very high, indicating a failure of Government family planning programmes. More information was needed on the components of those programmes. She asked whether the rising pregnancy rates in the 25 to 34 year old age groups were a question of the availability of contraception, sensitization of public opinion, or financial access, or a combination of those factors.

8. The CHAIRPERSON, speaking in her personal capacity, asked whether abortion was illegal even in cases of incest, and what kind of skills were provided for young unmarried mothers.

Article 14

9. Ms. GONZÁLEZ-MARTÍNEZ asked whether the difficulty experienced by rural women in gaining access to credit (para. 124) also applied to obtaining credit to lease small farms (para. 125), and what the length of leases was. She asked whether women were able to secure credit to buy or lease land, and whether there was a system of small loans for small-scale farming, for example through self-help groups and cooperatives (para. 126).

10. Ms. BARE asked whether women had the right to inherit and dispose of land, regardless of whether they were married or single. She asked what steps were envisaged by the Department of Women's Affairs to improve the quality of pre-school facilities; that factor was very important in preventing the development of stereotyped and reactionary attitudes among children.

11. Ms. OUEDRAOGO asked for information about the content of the social, cultural and religious programmes of community groups (para. 127), and about social security programmes for women in rural areas. She asked what was being done to enhance the availability of credit for rural women, and whether a special office would be opened to provide credit to women, since they were not always able to offer the same guarantees as men. Comparative statistics needed to be provided for rural and urban areas on rates of economic activity and health. She asked if there were more problems with family planning in rural areas, and whether all births were attended.

12. Ms. FERRER GÓMEZ requested information on the development programmes organized by the Government for women in rural areas; she asked how the law on

agricultural reform would benefit women, and whether the Department of Women's Affairs had been able to work with the Ministry of Agriculture on the problems of women in rural areas.

Article 16

13. Ms. GONZÁLEZ-MARTÍNEZ asked for a copy of the Matrimonial Homes Act (para. 137) so that an analysis could be made.

14. Ms. ABAKA, noting that paragraph 37 referred to the prevalence of cohabitation between non-married persons, asked how such unions were protected by law and what the status was of children born out of wedlock.

15. Ms. ACAR, noting that the registration of all marriages was compulsory (para. 134), asked for information about the legal status of common-law marriages, particularly in view of the existence of serial monogamy. She asked whether there were any Government policies or efforts to encourage legal marriage or to discourage common-law marriages or protect women in such unions, and whether the office headed by the representative of Saint Vincent and the Grenadines was doing anything in that respect.

16. She asked whether the equal right of women to property acquired before and during the marriage (para. 143) meant that property acquired during the marriage had to be equally divided. Reference had been made to social norms and stereotypes which curtailed women's ability to make use of legal measures; she asked about the actual incidence of women's exercise of their rights in the areas of marriage, divorce and division of marital property, and whether there were any programmes to educate women about their legal rights.

17. Paragraph 141 referred to married women's equal rights and responsibilities with regard to guardianship, trusteeship and adoption; she asked for information about the status of unmarried women in that respect. She asked whether there were any legislative provisions which treated married and unmarried women differently.

18. Ms. CARTWRIGHT, referring to paragraph 143, asked whether the division of property on dissolution of marriage started with a presumption that the property would be shared equally.

19. Ms. Ollivierre (Saint Vincent and the Grenadines) withdrew.

ORAL REPORT ON AN EXCEPTIONAL BASIS ON ZAIRE (CEDAW/C/ZAR/1)

20. At the invitation of the Chairperson, Mr. Ileka (Zaire) and Ms. Sindani (Zaire) took places at the Committee table.

21. Ms. SINDANI (Zaire) said that because of the crisis in Zaire, for several years her Government had not been able to send representatives to introduce its report. Assistance from the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF) and the Division for the Advancement of Women had made it possible for her delegation to participate at the meeting.

22. In September 1996, as a follow-up to the Fourth World Conference on Women, her Government, with the assistance of UNDP and UNICEF, had organized a national forum to evaluate the state of implementation of the Convention and propose solutions. Women from all over Zaire had attended the meeting.

23. Zaire had ratified the Convention in 1985. In traditional Zairian society, the role of women had been limited to that of mother, teacher and repository of traditional values, and they had remained subordinate to their husbands. Public and political life had been closed to women, except in a few isolated cases. During the colonial period, women had continued with their traditional tasks, although a few girls' schools had been opened to provide training in fields such as teaching and nursing. Since independence, fratricidal wars had done nothing to improve the status of women.

24. However, since 1965, women had become aware of their important role in society and public life. In 1964, the equality of all persons before the law, and their equal protection under the law, had been established in the Constitution. While some women were liberated from tradition and were affirming their rights, others remained in their traditional roles.

25. The political will of Zaire to promote the status of women was shown by women's entry onto the political scene, Zaire's support for all the resolutions and recommendations of the General Assembly relating to women, and its participation in the world conferences on women organized by the United Nations. A national mechanism for the advancement of women, focal points in all ministries and offices, and a section for working women within the national workers' union had been established. Efforts were being made by non-governmental organizations and associations and by churches. In 1987, a new family code had been promulgated, and in 1993 a national committee for women had been set up, consisting of representatives of the Government and of non-governmental organizations. An office of human rights had been established. However, only 0.7 per cent of the budget was allocated to women, and the level of the Government mechanism had been reduced from a ministry to an office.

26. Zairian women and men were treated equally under nationality law, in conformity with article 9 of the Convention. However, a married woman could not obtain a passport without her husband's permission. Under the Family Code, both women and men acquired legal capacity at the age of 18. Moreover, both were equally free to enter into marriage, which required the consent of both future spouses; the minimum age at marriage was 15 for women and 18 for men. Parents had equal rights and responsibilities with regard to their children. However, the Family Code also provided that the husband was the head of the family and that a married woman must receive authorization from her husband for any legal act committing her to any payment to be made in person, as noted in Zaire's initial report to the Committee (CEDAW/C/ZAR/1, para. 30). In the case of divorce, custody of the children was given to the parent who offered the best guarantees for their education. Thus, the Family Code represented a step forward for Zairian women, but also ran counter to articles 15 and 16 of the Convention by abrogating the legal capacity of married women.

27. The Penal Code did not discriminate between the sexes except in the case of adultery, for which it imposed harsher penalties on women. It punished all

offences that infringed upon the dignity of women (CEDAW/C/ZAR/1, para. 39), but those penalties were not always rigorously applied. The Labour Code provided for equal pay for equal work of equal value and protected women from having to do night work, heavy labour or work that was harmful to health. However, a married woman could not accept a work contract if her husband expressly objected, and could not receive family allowances if she was employed. In practice, the traditional view that women were inferior to men and belonged in the home prevented Zairian women from fully enjoying their labour rights under the law. Moreover, cases of sexual harassment against women in the workplace had come to light, although the extent of the problem was hard to determine.

28. Although Zaire's Constitution guaranteed women's political rights, including the right to vote and to be elected to public office, women were poorly represented in the political sphere. Similarly, although the Constitution stipulated that all Zairian children had an equal right to education, and despite the efforts being made to promote the education of girls and women in the country's new educational system, drop-out and illiteracy rates were much higher among girls and women than among boys and men; those disparities were most pronounced in rural areas.

29. Zairian women faced serious health risks owing to their lack of education, overwork and economic dependence. As a result, their life expectancy was only 53 years; the main causes of mortality among women included malnutrition, malaria, acquired immunodeficiency syndrome (AIDS) and other sexually transmitted diseases, frequent and closely spaced pregnancies, abortion and post-partum haemorrhage, diabetes and heart disease. Attempts to introduce family planning were thwarted by the strong influence of customs and religious beliefs which opposed contraception. The situation of rural women was particularly unsatisfactory, since such women owned no property, lived far from health-care facilities and lacked labour-saving technology, access to credit and education. The overall relationship between women and men in Zairian society was characterized not by partnership, but by the persistent view that women were inferior to men.

30. The CHAIRPERSON said that the Committee was very concerned about the armed conflict in Zaire and its effects on women's human rights; that was why it had asked Zaire to present a report on an exceptional basis.

31. Ms. CORTI said that the Committee had agreed to hear a report from Zaire on an exceptional basis because it was concerned about the current crisis in that country, which had tragic consequences for women and children. However, the Zairian delegation had merely presented what seemed to be a regular periodic report, without mentioning the armed conflict, the refugee situation or human rights violations in Zaire. She regretted that the Zairian delegation had misunderstood the Committee's invitation.

32. Ms. AOUIJ said that the Zairian delegation had presented useful background information on the discrimination suffered by women in that country; however, the Committee was primarily interested in hearing about the consequences of the armed conflict for women in Zaire. In its next periodic report, Zaire should include a full description of the plight of women affected by the conflict.

33. Ms. OUEDRAOGO said that she, too, had expected to hear a report on the exceptional situation in Zaire. However, she congratulated the representatives of Zaire on the quality of their presentation and on their commitment to improving the situation of Zairian rural women.

34. Ms. SCHÖPP-SCHILLING said that the Committee members were deeply disturbed about reports of raids on refugee camps in Zaire, as well as violence against refugees and their lack of food, shelter and health care. They had therefore expected to receive new information on the situation of women and children in South Kivu and on what the Government was doing to combat the human rights violations perpetrated against women and children by Zairian soldiers and militias. The information just presented could not be considered an official presentation of Zaire's second periodic report; the Zairian delegation would have to present that report, along with information on the conflict's impact on women, at a later date.

35. Ms. GONZÁLEZ MARTÍNEZ said that she had understood that Zaire's report was to be presented on an exceptional basis not because it was to deal exclusively with the current conflict in that country, but because Zaire was making an extraordinary effort to fulfil its international obligations by presenting its regular periodic report in spite of the serious difficulties caused by the crisis. She deeply appreciated the exemplary commitment demonstrated by the Zairian delegation.

36. Ms. BUSTELO GARCÍA DEL REAL said that she subscribed to the view that the Committee's priority, in the case of Zaire, was to ascertain the extent to which the Convention was being effectively implemented in the exceptional circumstances currently prevailing in that country.

37. Mr. ILEKA (Zaire), replying to the comments made, said that there was no misunderstanding between his Government and the Committee. The report presented at the current meeting had not been intended to take the place of a periodic report on his country's implementation of the Convention, but to inform the Committee of the situation prevailing in Zaire. While an area of 600 kilometres in the eastern part of the country was still occupied by foreign invaders, the majority of the population was living in peace, although under extremely difficult circumstances.

38. His Government did not control the situation in eastern Zaire and had thus been unable to prevent human rights abuses, which had been committed both by rebel forces and by the Zairian regular army. In the previous week, however, it had set up a commission to review complaints by war victims. Six senior army officers had been court-martialled for abuses committed in Nord-Kivu and Sud-Kivu, and army intelligence operations had been reorganized.

39. Despite the return of large numbers of refugees to Rwanda and Burundi in the autumn of 1996, some 600,000 to 800,000 refugees remained in Zairian territory. Many displaced Zairians, including children, had sought refuge in the forests, a phenomenon that had not been publicized by the international media. The United Nations bore a large share of responsibility for the suffering of the local population, because certain permanent members of the Security Council had lent an ear to parties linked to the conflict, so that no

solution had as yet been found. The worst was yet to come, because armed groups were forming and preparing for a confrontation.

40. Ms. SINDANI (Zaire) said that her country was in the throes of a conflict that had been imposed on it by outside aggression. Much attention had been focused on the plight of the refugees, but not on the suffering of Zairians. Refugees from the east were streaming into Kinshasa, including many children who had been separated from their parents. Outbreaks of cholera had been reported. Her country's economic situation was so desperate that her Government would have been unable to send a delegation to address the Committee had it not received assistance from UNICEF.

41. Her Government, which had always supported the safe return of the refugees to their countries of origin, the withdrawal of all occupying troops, and good-neighbourly relations in the region, called upon the international humanitarian organizations to condemn the suffering of women and children in the refugee camps, and looked forward to the results of the visit to Zaire by the United Nations High Commissioner for Human Rights.

42. The CHAIRPERSON thanked the Zairian representatives for the information provided and expressed the hope that the problems which they had described would be overcome by the time of the next periodic report.

43. Mr. Ileka (Zaire) and Ms. Sindani (Zaire) withdrew.

The meeting was suspended at 4.50 p.m. and resumed at 5 p.m.

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (continued)

44. At the invitation of the Chairperson, Ms. Woergetter (Chairperson of the in-session Open-ended Working Group of the Commission on the Status of Women) took a place at the Committee table.

45. Ms. WOERGETTER (Chairperson of the in-session Open-ended Working Group of the Commission on the Status of Women), reporting on the process initiated to elaborate a draft optional protocol to the Convention, said that the elements adopted by the Committee at its previous session had created a basis for the Group's discussions. The debate had provided a useful survey of the views of various delegations; during the Third Committee's consideration of the agenda item on the advancement of women at the fifty-first session of the General Assembly, two thirds of the delegations had favoured the prospect of an optional protocol, which indicated that the proposal had gained ground since the previous session of the Commission. At its next session in March, the Commission would have a draft before it; she hoped that it would be possible to complete the first reading of the draft on that occasion. Because of financial constraints, however, a draft decision adopted by the Commission calling for the renewal of the mandate of the Open-ended Working Group had not been adopted by the Economic and Social Council.

46. Members of the Committee who had attended meetings of the Working Group had provided valuable input to the Group's discussions. She urged all members of

the Committee to continue to lend their expertise as members of national delegations.

47. Ms. SHALEV said that while she had attended the meeting of the Working Group and had found it very interesting and informative, she had chosen to act as an adviser to the Israeli delegation, and thus had never spoken on behalf of her Government. She was not certain that members of the Committee would have as much influence as members of delegations as they had in their role as independent experts.

48. Ms. SCHÖPP-SCHILLING said that it would be useful to have a fuller account of the legal and political obstacles to the adoption of an optional protocol and of how many States supported and opposed it.

49. Ms. CARTWRIGHT said that she would appreciate additional information on the preparation of the draft that was to be submitted to the Commission for a first reading.

50. Ms. JAVATE DE DIOS, noting with satisfaction the increased support for the proposal for an optional protocol, which could easily have become moribund, said that the current challenge was to generate further momentum by responding to the objections and criticisms voiced by Member States. A statement by the Committee might be useful in that regard.

51. Ms. ABAKA said she believed that members of the Committee could influence their Governments in favour of an optional protocol by becoming members of their national delegations.

52. Ms. FERRER GÓMEZ said that she would appreciate information on the number of Member States and non-governmental organizations which had responded to the invitation to transmit comments and suggestions regarding an optional protocol and on whether those replies would be issued as an official document.

53. Ms. WOERGETTER (Chairperson of the in-session Open-ended Working Group of the Commission on the Status of Women), replying to the questions raised, said that the political obstacles to the adoption of an optional protocol were similar to those faced by the Convention, as reflected in reservations to the Convention. As to the legal obstacles, some Governments had expressed the view that not all the articles of the Convention could be justiciable under an optional protocol, because they did not cover civil and political rights, but rather economic, social and cultural rights. The question of justiciability had been addressed by two members of the Human Rights Committee, who had argued that, as the Convention was based entirely on the concept of non-discrimination, that made its articles justiciable. Another issue related to whether individuals, affected groups or groups with a considered interest in the matter would have standing to bring complaints under an optional protocol. Lastly, there was felt to be the possibility of overlap between an optional protocol and existing human rights instruments.

54. A draft of an optional protocol did not yet exist. Hypothetically, such a draft could either be introduced by a delegation at a meeting of the Working Group, or prepared by her at the Group's request.

55. Credit was due largely to the Committee for the fact that the optional protocol had not withered away; Governments must now continue the process. The members of the Committee could provide an impetus to that process either by acting as advisers to their Governments or by playing a more active role.

56. The information on the number of States which had transmitted replies could be provided by the Secretariat, which was preparing a report on the question.

The meeting rose at 5.30 p.m.